

ROLADER & ROLADER, P.C.

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 1357

ROSWELL, GEORGIA 30077-1357

Telephone (770) 442-0330

FAX (770) 442-0641

www.roladerandrolader.com

RZ-14 008

DONALD A. ROLADER
Don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 - 2011

January 2, 2014

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JAN 07 2014

City of Johns Creek
Planning & Zoning

Mayor and City Council
City of Johns Creek, Georgia
12000 Findley Road, Suite 400
Johns Creek, Georgia 30097

RE: Application of LENNAR GEORGIA, INC.; 57.66 acres on Old Alabama Road, City of Johns Creek, Georgia; Rezoning from CUP to CUP; Property in Land Lots F-16, F-17, F-18, 213,214 and 215 of the 1st District, 1st Section, Fulton County, Georgia

Dear Mayor and Councilpersons:

LENNAR GEORGIA, INC., the Applicant, is seeking approval of this Application for rezoning from CUP to CUP as stated in the application form. This letter shall be construed as the Letter of Intent for this Application.

The property contains 57.66± acres and is presently zoned CUP in the City of Johns Creek, Georgia. This site is located on Old Alabama Road and abuts the Chattahoochee River, Thornhill, Coldstream Courts, Stratmore and Carriage Homes at River Farm subdivisions. The uses surrounding the property are generally residential, comprised of subdivisions and individual properties. On the eastern boundary is Unit Two, Section One of Thornhill Subdivision zoned CUP at a density of 1.73 units per acre, and the amenity area for Thornhill Subdivision. The south boundary is the Chattahoochee River. The west boundary is abutted by Carriage Homes at River Farm subdivision which has a density of 2.05 units per acre. The north boundary is Old Alabama Road, and developments on the north side of the road are Coldstream Courts subdivision at a density of 2.47 units per acre and Stratmore subdivision at a density of 2.2 units per acre. All abutting residential developments have greater density than the subject property.

The project will be developed as a residential subdivision of 74 lots, yielding a density of 1.28 units per acre. The application property will complement existing development. The lots are similar in size to the existing lots, and the homes to be constructed shall contain a minimum of 2,000 square feet of heated space. A chart of development standards comparing the subject property and abutting properties is attached as Exhibit A.

Mayor and Council
January 2, 2014
Page 2

The granting of this Application will have no negative impact on adjoining or nearby properties, but should serve to maintain or increase the value of such properties. This development will not unduly tax any City of Johns Creek services, including, but not limited to traffic, fire and police protection, sewer, water service and garbage collection. Presently sewer is available through Fulton County. To fail to approve this request will be of absolutely no benefit to the citizens of Johns Creek, Georgia while causing a severe financial burden upon the property owner and Applicant, and denying any reasonable use of the property.

It is the position of the Applicant that the Johns Creek Zoning Ordinance, in zoning the property CUP, as it currently exists and with existing conditions is unconstitutional in that it destroys the marketability of the property and renders the property exceptionally less valuable, and such zoning therefore constitutes a taking of the property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article 1, Section 1, Paragraph 1; Article 1, Section 3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). To zone this property to any intervening category which is less than requested is unconstitutional, renders the property unusable and constitutes the taking of Applicant's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would be had by imposing conditions in restraint of trade, or onerous, burdensome, unconstitutional, or unnecessary conditions on the property.

The Applicant respectfully requests that the City of Johns Creek City Council grant the application as submitted, and rezone the property CUP, as requested.

Very truly yours,
Rolader & Rolader, P.C.

Donald A. Rolader

DAR/ddf

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